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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAIME R. MORENO, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

MARATHON DIGITAL HOLDINGS, INC.,  
MERRICK OKAMOTO, FREDERICK G.  
THIEL, SIMEON SALZMAN, and HUGH J.  
GALLAGHER,

Defendants.

Case No: 2:23-cv-00470-RFB-DJA

**STIPULATION AND ~~PROPOSED~~  
ORDER**

Jaime R. Moreno (“Plaintiff”) and Defendants Marathon Digital Holdings, Inc.,  
Merrick Okamoto, Frederick G. Thiel, Simeon Salzman, and Hugh J. Gallagher, by and  
through their undersigned counsel, hereby stipulate as follows:

1. Plaintiff commenced the above-captioned action (the “Action”) on March  
30, 2023.

2. On June 7, 2023, the undersigned counsel for Defendants were authorized  
to and did waive service of the summons and the Complaint in the Action on behalf of  
Defendants, provided, however, that waiver of service and entry into this stipulation shall  
not waive or prejudice any, and Defendants expressly preserve all, rights, claims, and  
defenses including, but not limited to, all defenses relating to jurisdiction and venue, except  
a defense as to the sufficiency of service of the summons and Complaint and the form or  
sufficiency of the summons.

1           3. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(ii), Defendants  
2 would be required to file and serve an answer or a motion by August 7, 2023.

3           4. This putative class action asserts federal securities claims arising under the  
4 Securities Exchange Act of 1934, which is governed by the Private Securities Litigation  
5 Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 77z-1, *et seq.*

6           5. The PSLRA requires that no later than 20 days after a complaint is filed, the  
7 plaintiff must publish a notice, advising members of the purported plaintiff class, the  
8 pendency of the action, the claims asserted therein and the purported class period (15 U.S.C.  
9 § 77z-1 (a)(3)(A)).

10          6. On March 30, 2023, Plaintiff issued a press release pursuant to the PSLRA  
11 on Globe Newswire, a national wire service, advising purported class members of the  
12 pendency of the Action, the claims asserted in the Action, and the purported class period  
13 alleged in the Action, as well as that any motion for appointment of lead plaintiff must be  
14 filed no later than May 29, 2023 (60 calendar days from the issuance of the press release).

15          7. The PSLRA provides that following the expiration of the 60-day notice  
16 period, the Court will address consolidation of all related actions, the appointment of a lead  
17 plaintiff, and the lead plaintiff’s retention of lead counsel (15 U.S.C. § 77z-1(a)(3)).

18          IT IS HEREBY STIPULATED AND AGREED, subject to the Court’s approval, by  
19 and among the undersigned counsel, that Defendants’ time to answer, move, or otherwise  
20 respond to the Complaint is stayed pending the Court’s appointment of a lead plaintiff and  
21 lead counsel for lead plaintiff.

1 Dated this 7th day of June, 2023

2  
3 **FLANGAS LAW GROUP**

4 /s/ Kimberly P. Stein

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*Attorneys for Plaintiff Jaime R. Moreno*

**ORDER**

IT IS SO ORDERED that:

1. Defendants' time to answer, move, or otherwise respond to the Complaint is stayed pending the Court's appointment of a lead plaintiff and lead counsel for lead plaintiff.
2. Defendants' shall respond to the Complaint within twenty-one (21) days of a decision on the pending motions for appointment of lead plaintiff and lead counsel for lead plaintiff.

DATED this 9th day of June 2023.



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DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE